

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	CIV-18-589-D
)	
DARCIE E'LAINÉ HENDREN, a/k/a)	
DARCIE HENDREN, <i>et al.</i> ,)	
)	
Defendants.)	

**PLAINTIFF UNITED STATES OF AMERICA'S
MOTION TO CONFIRM U.S. MARSHAL'S SALE**

Plaintiff, the United States moves for an Order confirming the United States Marshal's sale of real estate under a Special Execution and Order of Sale issued by the Clerk of this Court. The following is the legal description of the real estate sold:

The Southeast Quarter (SE/4) of the Southwest Quarter (SW/4) of Section Four (4), Township Nineteen (19) North, Range Two (2) East of the I.M., Payne County, State of Oklahoma, according to the U.S. Government Survey thereof, LESS AND EXCEPT:

A Tract of land in the Southeast Quarter (SE/4) of the Southwest Quarter (SW/4) of Section Four (4), Township Nineteen (19) North, Range Two (2) East of the I.M., beginning at the SE/corner of the SE/4 of the SW/4 of said Section 4; thence North a distance of 730.83 feet; thence West a distance of 582.35 feet; thence South a distance of 730.83 feet; thence East a distance of 582.35 feet to the Point of Beginning.

AND

A tract of land in the Southeast Quarter (SE/4) of the Southwest Quarter (SW/4) of Section Four (4), Township Nineteen (19) North, Range Two (2) East of the I.M., beginning at a point on the East line of said SE/4 of the SW/4 a distance of 730.83 feet

North of the Southeast Corner of said SE/4 of the SW/4; thence North along said East line of the SE/4 of the SW/4 a distance of 17.18 feet; thence West 582.35 feet parallel to the South line of said SE/4 of the SW/4; thence South parallel to the East line of said SE/4 of the SW/4 a distance of 17.18 feet; thence East parallel to the South line of said SE/4 of the SW/4 a distance of 582.35 feet to the Point of Beginning.

AND

The East Half (E/2) of the North Half (N/2) of the Southwest Quarter (SW/4) of the Southwest Quarter (SW/4) of Section Four (4), Township Nineteen (19) North, Range Two (2) East of the Indian Meridian, Payne County, State of Oklahoma, according to the U.S. Government Survey thereof.

On February 1, 2019, Plaintiff, United States of America, was awarded Judgment in this case as follows:

Principal.....	\$ 209,737.51
Advances due in the amount of	\$1,153.17
Accrued interest as of April 3, 2018.....	<u>\$ 1,180.85</u>
Amount due as of April 3, 2018	\$ 212,071.53

plus accruing interest on the principal at the rate of \$8.67 per diem from April 3, 2018, to the date of judgment.

Plaintiff incurred costs in this matter, including the filing of the Notice of Suit Pending (\$15.00), and publication of the Notice of U.S. Marshal's Sale (\$363.09) and, for a total amount of **\$378.09**.

On October 18, 2019, Defendant Envoy Mortgage Ltd. was awarded Judgment in this case in the amount of \$263,574.14, with interest thereon at a rate of 4.250% per annum, or as adjusted by the Note, from August 1, 2017, until paid; abstract and title expense in the amount of \$810.00; allowable foreclosure fees in the amount of \$735.00;

court recording and filing costs in the amount of \$80.00; process service costs in the amount of \$500.00; escrow advances in the amount of \$12,698.13; late charges in the amount of \$173.28; property inspection costs in the amount of \$287.00; a reasonable attorney fee in the amount of \$7,400.00, as provided for in the Note and Mortgage; and further judgment *in rem*, of and from all of the parties to this action, and each of them, and for all costs of this action and all necessary funds advanced by Envoy accrued and accruing hereafter through completion of this action, and that said amounts are secured by the Mortgage and constitute a first, prior and superior lien upon the Real Property, and that any and all right, title or interest which the parties have in and to this cause, or any of them have or claim to have in said Real Property, is subsequent, junior and inferior to the Mortgage and lien of the Envoy, except for any unpaid real property ad valorem taxes and/or special assessments which are superior by law.

The Payne County Treasurer has informed Plaintiff that there are no past due taxes on the property.

The United States Marshal incurred costs in the amount of **\$155.60** in handling this matter.

After execution, and notice of sale, the United States Marshal sold the property to Zach Bahm and/or Robert Bahm for the sum of **\$554,000.00**. The United States Marshal filed the return of sale on November 14, 2019, prior to this motion.

Plaintiff moves the Court for an order authorizing and directing the United States Marshal to pay the following sums to the following parties from the amount now on deposit in accordance with the judgment.

1. The sum of **\$155.60** to the United States Marshal Service, for payment of its costs and commission for the sale of this property consistent with 28 U.S.C. § 1921(c)(1).
2. The sum of **\$378.09** to the United States of America, for payment of its costs.
3. The sum of **\$314,116.75** to Envoy Mortgage, Ltd, for payment towards its foreclosure judgment.
4. The sum of **\$209,395.49** to the United States of America, for payments towards its foreclosure judgment.
5. The sum of **\$1,372.45** to Account Management Resources, LLC, for payments towards its judgment lien.
5. The sum of **\$28,581.62** to Darcie E'Laine Hendren and Ty Darrell Hendren.

The execution, notice and sale by the United States Marshal were in all respects regular and in conformity with law and order of this Court.

TIMOTHY J. DOWNING
UNITED STATES ATTORNEY

s/KAY SEWELL
BAR NUMBER: OBA #10778
ASSISTANT U.S. ATTORNEY

UNITED STATES ATTORNEY'S OFFICE ❖ WESTERN DISTRICT OF OKLAHOMA
210 PARK AVENUE, SUITE 400 ❖ OKLAHOMA CITY, OK 73102
PHONE: (405) 553-8807 ❖ FAX: (405) 553-8885
E-MAIL: KAY.SEWELL@USDOJ.GOV

CERTIFICATE OF SERVICE

X I hereby certify that on November 22, 2019, a true copy of this pleading was electronically transmitted to the Clerk of the District Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to these parties and counsel registered on ECF:

Lowell A. Barto, Counsel for Payne County Treasurer and Board of County Commissioners of Payne County
Trace Morgan, Counsel for Exchange Bank & Trust Company
Blake C. Parrott, Counsel for Envoy Mortgage
Emily R. Coughlin, Counsel for Account Management Resources, LLC

X I hereby certify that a true copy of this pleading was mailed, postage prepaid, via U.S. regular mail, on November 22, 2019, to each of the parties or counsel as indicated below, who are not registered on the Court's ECF system:

Darcie E'Laine Hendren, a/k/a Darcie Hendren
3210 West Lakeview Road
Stillwater, OK 74075

Ty Darrell Hendren
3210 West Lakeview Road
Stillwater, OK 74075

Mortgage Electronic Registration Systems, Inc.
Attn: Service Agent
PO Box 2026
Flint, MI 48501-2026

Velocity Investments, LLC
Attn: Service Agent
10300 Greenbriar Place
Oklahoma City, OK 73159

Zach Bahm
Robert Bahm
10818 E. McElroy
Stillwater, OK 74075

s/Kay Sewell
Assistant U.S. Attorney